

# Duxbury Clipper

SECTION  
**B**

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Section B

## First Demolition Delay Ending on Historic Tinkertown Home

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Paul Seabury built his house near the mouth of Island Creek pond which is believed to be the first house in this area and the reason Tinkertown was established in 1757. Now, some 240 years later efforts to preserve the house through a six-month demolition delay order by the Historical Commission will not be enough.

According to research by former town historian Dorothy Wentworth, The early history of the area dates to two men, George Partridge and Dr. Samuel Seabury. Partridge settled around 1638 north of Island Creek and Seabury, great-grandfather of Paul Seabury, obtained 80 acres of land in 1660 next to Partridge's.

"So, on adjoining farms, neither reaching the shore, lived two families whose sons would one day be the first owners of both sides of Elm Street in Tinkertown," wrote Wentworth.



The Paul Seabury House circa 1757-1762. (Courtesy of Jeanne Clark)

The Seabury land holdings increased over the years and by the early 1700s, the family also owned the Freeman Farm and a parcel of land on the north side of Elm Street.

The family served the town in a variety of positions, such as town treasurer, town moderator, and as agents for the town in land disputes.

In 1702, the town gave Paul Seabury's grandfather permission to build a dam at Island Creek Brook for the purpose of a sawmill. The mill site is still evident today with a stone foundation and cart way.

Paul Seabury built his house on his father's land probably after his marriage in 1757 as that was typical practice in those days. In 1762, his father passed away legally leaving him the land where his house

sits. The property passed through several owners after Seabury sold in 1779, including the John Cushing family.

It is located at 218 Elm Street on 1.7 acres. James and Julianne Gilpin of Marshfield obtained the property from Julianne's father, Arthur Donley, to build their new home. The Gilpins submitted their application for a building permit to Richard MacDonald, director of inspectional services, in December 1998. They included in their paperwork the research on the house to address Article 609 "Demolition of Historically Significant Buildings." Through their efforts, they traced the home back to John Cushing in 1824, and the Historical Commission's research traced the home fur-

ther back to Paul Seabury.

The Historical Commission determined that Article 609 applied to the structure since it is more than 75 years old and is "associated with one or more

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historic persons or events, or with the broad architectural, cultural, economic, political or social history of the Town."

The Commission scheduled a public hearing in February to review the application, and after further research issued the town's first ever demolition de-

lay on an historical structure on March 19<sup>th</sup>, 1999.

When recently contacted to discuss the demolition delay process and the Paul Seabury homestead, James Gilpin said he "had no comment at this time."

At the public hearing, the Gilpins gave a slide presentation and told the commission they did not want to preserve or rehabilitate the antique cape but wanted to move it. James Gilpin had estimated the relocation costs at \$15,000 and offered \$4,000 toward moving it, hoping the rest could be raised through donations. However, the Historical Commission "never felt it was appropriate, as a representative of the town, to raise money for a privately owned property," said Jody

Hall, co-chair of the Historical Commission.

"Someone in the neighborhood did offer to take the house and move it on to their property for use as a barn or workshop, but the historic commission didn't think that was a suitable use for the structure," said Dudley Mulrenin of Sea View Construction who is the couple's contractor.

"Our stance was that the building should be preferably preserved for the use it was intended for at the site," said Hall.

When asked at the public hearing whether the couple would consider preserving the antique house and adding on to, Gilpin said that plan "doesn't fit in with our lifestyle."

continued on page 18

# First Demolition Delay Ending on Historic Tinkertown Home

continued from page one

The new house which will be constructed on the property once the demolition is completed is a 7,389 square foot dwelling and includes five bedrooms, three full bathrooms, two half-baths and a three car garage, said MacDonald.

During the public hearing, Tinkertown resident Nancy Savage asked the Gilpins whether the couple had "considered the neighbors lifestyle when they decided to move the house?" Gilpin noted their new house would be set back 100 feet from the road so it should have a minimal impact on the neighborhood.

Once the demolition delay expires on September 19th, MacDonald needs only two items before providing the couple with their demolition permit. "I need proof of the recording of the notice of intent and the utilities sign off before they can rip it down."

The Conservation Commission requires a notice of intent since the new construction falls under both the Massachusetts Wetland Protection act and the Duxbury Wetland Protection Law. There is a waterway, which runs from Island Creek eventually going into the Mill Pond, and some of the work comes within the river's front resource area, noted Pam Johnson of the Conservation Commission's office.

During the six month demolition delay, the Gilpins attempted to address the by-law's "reasonable effort" clause which states the Commission can shorten the six month demolition period if they determine the applicant has made a "...reasonable effort to locate a purchaser to preserve, relocate or rehabilitate the building."

The couple tried to sell the property in February 1999 through a closed bid process in which "realtors were screened out" and written bids from buyers were due within 15 days from the posting of a For Sale By Owner sign by the Gilpins. If selected as the highest bidder, the buyer would need to sign a purchase and sale agreement and pay a 10 percent of the deposit within two days. According to a letter from the Gilpins to Thomas Broadrick, planning board director, the couple's asking price, "which includes our family's out of pocket expenses, engineering, architecture, legal, and filing fees is \$395,000." Gilpin said they had not received any acceptable bids from the closed bid process.

Julia Kispert, co-chair of the Historical Commission, said that while the couple did attempt to sell the property for the purposes of preserving the Paul Seabury homestead, "there

were realtors who had interested buyers, but the Gilpins weren't interested."

In addition to the closed bid process, the Gilpins sent a proposal to WGBH's "This Old House" for consideration in their summer 1999 home project in the Boston area for just such a project. Their proposal included restoring the house "to make it livable with 21<sup>st</sup> century features, enlarge the home with a significant ad-

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dition to the back of the house, and restore the greenhouse and attached workshop." Gilpin added "we are not folks who want to live in a authentically restored 18<sup>th</sup> century home...our goal is to keep the historic value of the structure while building a home that is livable with 21<sup>st</sup> century features." According to his letter, the Seabury house was a finalist for "This Old House," but was not chosen.

Still interested parties continued to come forward. Last month, Pret Woodburn and Paula Marcoux, who work at Plymouth Plantation, heard of the property from resident Toni Kelso. The couple, who are both knowledgeable in timber framed structures, thought of moving the house to land they had purchased in Plymouth. "We looked at the house to see if it would be feasible for what we were interested in doing," noted Woodburn. The structure is a plank frame rather than timber frame, "which does make it easier to take apart but can also make it more difficult to adapt to another use or structure," explained Woodburn. Although parts of the house "were not in as good a condition as appeared on the outside, it's an interesting building, and if I had the option of fixing it where it stood I would have been more interested."

In the case of the Paul Seabury house, "it would be extremely difficult to take down the plaster, windows, siding and move the frame which has settled where it is over the years and try to put it on a new foundation and make it gel," noted Mulrenin.

He thinks in cases such as the Seabury house, the six month delay period is unreasonable and should be short-

ened to 3 months. "Unfortunately the demolition delay can also cause undue hardship for the property owner whose loan amounts might expire, interest rates can change for example."

The contractor does support demolition delay in certain situations like if "someone came along and bought the King Caesar House and wanted to tear it down for a new structure." However, Mulrenin noted the "many small houses in Duxbury which are 150 to 250 years old with some historical significance and that it might be impracticable to try to restore them than make way for a new building."

Since this is the first structure in Duxbury ever to be issued a demolition delay under the newer by-law, Mulrenin believes the process "still has some bugs that need to be worked out." He cited the reasonable effort clause "needing to be more cast in stone, the by-law is pretty vague in that regard."

The Historical Commission is reviewing other South Shore towns' demolition delays and by-laws and "taking a closer look at how they define reasonable effort," said Hall. The current by-law can "make it difficult for us as well as the homeowner because its subjective for them and on our part of what we deem reasonable." Hall added, however, the six-month delay period is consistent with many other Massachusetts towns, including Hingham, Barnstable and Foxboro.

As a contractor, Mulrenin would also like to "see the Historical Commission make a list of all the houses" deemed his-

torically significant. This, he believes, would make a potential buyer who is looking to tear down an existing structure for new construction "aware that there could be a 6 to 9 month delay and it might discourage them from the property."

The Historical Commission already has plans to survey some 200 historic buildings and is receiving a grant from the Massachusetts Historical Commission for \$18,000 with an additional \$12,000 from the town for the purpose of a survey project. Once the survey is completed the records will become part of the town's permanent archives and "a set will

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also be housed at the town library and the Mass Historical Commission," added Hall.

In addition to this survey, the Historical Commission is also working on a brochure, which will be used as "an educational tool to be distributed to realtors for their clients who are interested in purchasing an historical home," said Hall.

While the demolition delay did provide time to try to save the Paul Seabury homestead, it was not enough. "I would have

loved to have seen the house restored and kept in its place, but the owners have every right under the current by-laws to choose not to do that," said Amy MacNab, President of the Tinkertown Association. MacNab believes the solution lies in historic districts, "which do not limit the homeowners since they can write their own rules." Historic districts in other towns have clearly shown they can work, added MacNab.

"I applaud the town for passing this by-law," said MacDonald but a "more exclusive by-law would need to come from the Historical Commission." The Commission is in the process of "fashioning an ideal by-law which will help save and preserve historically and architecturally significant structures," said Kispert.

For now, the Gilpins plan to move forward on the construction of their new home. "They have been waiting for a long time and had their funding together back at the beginning of the year to build their new home, so the existing house will probably come down within the month," said Mulrenin. The couple had originally planned to salvage the hearth from the Seabury house, but Mulrenin is "not sure what they now intend on keeping."

After September 19<sup>th</sup>, the Seabury house, which Dorothy Wentworth contributes to the establishment of Tinkertown in 1757, will come down to make way for a new home.

"Our hands are tied, we've done all we can do," said Kispert. "It's a travesty and a wake-up call to everyone in this town."